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HIGH COURT OF JUDICATURE CHHATTISGARH : BILASPUR
DIVISION BENCH

CORAM : HON'BLE SHRI H.L. DATTU, CJ &
HON'BLE SHRI V.K. SHRIVASTAVA, J.

WRIT PETITION NO. 271 OF 2002

PETITIONERS

1. C.L. Ramteke, aged about 63 years, S/o Late Amar Singh Ramteke, R/o 2D/16/VI Bhilai, P.S. Kotwali Bhilainagar, Distt. Durg (C'garh).

2. Master Gaurav, aged about 12 years, S/o Late Tarun Deo Ramteke – Minor through Natural Guardian grand mother Smt. Prabha Ramteke, W/o Shri C.L. Ramteke, R/o Hospital Campus Chhuikhadan, Distt. Rajnandgaon (C'garh).

Versus

RESPONDENTS

1. State of Chhattisgarh, through Deptt. of Home (Police), Raipur.

2. Director General of Police, P.H.Q., Raipur.

3. Inspector General of Police, Raipur.

4. Collector/
District Magistrate, Durg.

5. Superintendent of Police, Durg.

6. Town Inspector, Kotwali Bhilainagar, Distt. Durg.

7. Shri R.A. Yadava, ASI, Kotwali Bhilainagar, Distt. DURG.

8. Shri M.L. Patel, ASI Kotwali, Bhilainagar, Distt. DURG.

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9. Shri Sushil David,
Inspector Traffic Police
Bhilainagar, Distt. DURG.

Present : Shri Uttam Pandey, counsel for the petitioners.
Shri Vinay Harit, Dy. Advocate General for the State.
Shri Praveen Das, counsel for respondent No.9.

ORAL ORDER
(Passed on 14th March, 2007)

The following oral order of the Court was passed by **H.L. Dattu, CJ.**

Father and son of late Tarun Deo are before us in this petition filed under Article 226/227 of the Constitution. The main relief sought for in the writ petition is to take action against respondent No.1 in terms of Section 197 of the Cr.P.C. and for prosecution of respondents No.7 to 10 for the murder of late Tarun Deo. The second relief is to direct the respondents No.1 and 2 to pay a compensation of Rs.42,82,500/- in favour of the petitioners within a particular time.

2) This Court while entertaining the writ petition had issued notices to the respondents.

3) Respondents have entered appearance through the learned counsel.

4) By way of preliminary objection, the respondents would submit that for the very same relief, the petitioners had approached the Madhya Pradesh High Court in W.P.No.3962/1999 and the Court had rejected the writ petition and had directed the petitioners to approach the Human Rights Commission for appropriate reliefs. They have further stated that after the disposal of the writ petition, the petitioners had filed a representation before the Human Rights Commission and

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the Commission after holding an enquiry has awarded a compensation of Rs.40,000/- to the petitioners.

5) Here is a case where the principle of res judicata applies. For the very same cause of action, earlier the petitioners sought relief before the Madhya Pradesh High Court, which they sought for in this writ petition also. Having heard learned counsel for the parties, in our opinion, the separate petition filed by the petitioners for the very same relief before this Court would not serve any purpose; therefore, we decline to entertain this petition. Accordingly, the petition stands rejected. Ordered accordingly.

Sd/-
Vijay Kumar Shrivastava
Judge

Sd/-
Chief Justice